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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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MAR 25 1996

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

WT Docket No. 96-6

In the Matter of)
)
Amendment of the Commission's Rules)
To Permit Flexible Service Offerings)
in the Commercial Mobile Radio Services)

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REPLY COMMENTS OF COMCAST CORPORATION

Comcast Corporation ("Comcast"), by its attorneys, hereby submits its reply comments on the Commission's Notice of Proposed Rulemaking in the above captioned rulemaking proceeding.^{1/}

Comcast agrees with the overwhelming majority of commenters that all commercial mobile radio service ("CMRS") providers should be given the flexibility to provide all types of fixed and mobile communications services.^{2/} The Commission should not attempt to limit CMRS provision of fixed services to any definition of "wireless local loop," but rather should

^{1/} See Amendment of the Commission's Rules To Permit Flexible Service Offerings in the Commercial Mobile Radio Services, Notice of Proposed Rulemaking, WT Docket No. 96-6 (released January 25, 1996) ("Notice").

^{2/} See, e.g., Comments of AT&T Corp. at 1 (AT&T "strongly supports" the Commission's proposal that CMRS providers may offer fixed services on their wireless spectrum and urges the Commission to "refrain from imposing restrictions on the types of fixed services that may be provided."); Comments of Bell Atlantic at 2 ("Artificial restrictions on the use of specific frequencies can prevent the efficient use of those frequencies. The Commission should therefore remove frequency use restrictions whenever it is technically feasible to do so."); Comments of the Cellular Telecommunications Industry Association at 3 ("[T]he Commission should permit all CMRS carriers to provide any fixed service.")

allow consumers and the market to determine how CMRS spectrum is used.^{3/} Because Congress gave the Commission complete jurisdiction over all aspects of CMRS,^{4/} the Commission has full authority to act in this docket and confirm that all CMRS providers can provide "mixed" CMRS services under federal CMRS regulation.^{5/}

The Commission must not, however, allow incumbent local exchange carriers ("LECs") to use the rules that come out of this docket to either "bootstrap" wireline local exchange services out of the state regulatory purview or to evade the market opening provisions of the Telecommunications Act of 1996 through claims that their wireline facilities or services are integrated with their CMRS facilities. In their comments many of the LECs ask the Commission to allow the states to regulate intrastate "fixed" CMRS,^{6/} knowing that such a suggestion cannot be adopted until CMRS becomes a replacement for wireline telephone exchange service for a "substantial portion" of the wireline telephone exchange service within each state, and only then if competition does not exist.^{7/} When the Commission, as it must, rejects these LEC suggestions, it must be careful not to adopt what the LECs actually desire: a rule that allows the LECs to offer

^{3/} Comcast does agree with Motorola that broadcasting service should not be provided over CMRS spectrum. Comments of Motorola, Inc. at 8.

^{4/} See, e.g., Interconnection Between Local Exchange Carriers and Commercial Mobile Radio Service Providers, Equal Access and Interconnection Obligations Pertaining to Commercial Mobile Radio Service Providers, CC Docket No. 95-185, CC Docket No. 94-54, Comments of Comcast Corporation at 26-46 (filed March 4, 1996).

^{5/} As Comcast explained in its Comments, CMRS licensees are not interested in selling "fixed" or "mobile" services, they are interested in selling flexible solutions to communications needs that will change from fixed to mobile depending on a customer's needs on any given day. See Comments of Comcast Corporation at 4.

^{6/} See, e.g., NYNEX Comments at 3.

^{7/} 47 U.S.C. § 332(c)(3).

integrated wireless and wireline services under federal CMRS regulation. The Commission has made a commitment to address in-region LEC-CMRS structural safeguards,^{8/} and until those safeguards are in place, the Commission must keep the LECs from using this docket to forestall competition for local exchange services.

Other commenters who ask the Commission to adopt the same rules for all CMRS providers fail to appreciate the difference between those CMRS providers with ubiquitous wireline networks and those without.^{9/} If CMRS providers are to compete against incumbent LECs, the incumbent LECs cannot be permitted to leverage or "integrate" their in-region CMRS and wireline networks to offer "mixed" services such that the resulting network qualifies for deregulation without compliance with the market opening provisions of the Telecommunications Act of 1996.^{10/} The Commission must make plain that all wireline services provided by entities

8/ See Amendment of the Commission's Rules to Establish New Personal Communications Services; Pacific Bell, Nevada Bell, Pacific Bell Mobile Services and Pacific Telesis Mobile Services' Plan of Non-Structural Safeguards Against Cross-Subsidy and Discrimination, Order, Docket No. 90-314 (released February 27, 1996) at 6 ¶ 11. ("Finally, we note that the United States Court of Appeals for the Sixth Circuit recently questioned the reasonableness of regulations that require BOCs to provide cellular service through a structurally separate subsidiary while permitting them to conduct integrated PCS and wireline operations. As a result, the Commission plans to initiate a proceeding in the near future to review its various competitive safeguards and rules [governing in-region LEC CMRS].") (footnote omitted).


9/ See, e.g., Comments of GO Communications Corporation at 5.

10/ Indeed, incumbent LECS should not be permitted to integrate their wireline and wireless networks at all. See Comments of Comcast Corporation at 7-8.

that are either Tier I LECs or that are "Bell operating companies" as defined by the Telecommunications Act of 1996 will not be treated for regulatory purposes as an "integral part" of any CMRS services provided by those entities.

Respectfully submitted,

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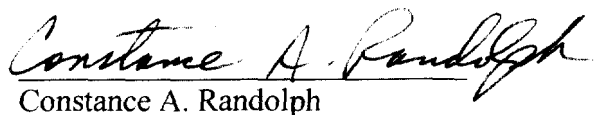
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